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Atty. Dkt. No. 036481-0106

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: FULLER, James T.

Title: MINIMAL PROMOTERS AND  
USES THEREOF

Appl. No.: 09/421,778

Filing Date: 10/19/1999

Examiner: Quang NGUYEN

Art Unit: 1636 /

**REPLY UNDER 37 CFR § 1.133(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Interview Summary from the Examiner regarding the telephone interview of February 5, 2004, concerning the above-referenced patent application. Applicant acknowledges receipt via fax on April 28, 2004 of the February 5<sup>th</sup> Interview Summary from Examiner Nguyen.

For the record, applicant received an Office Action dated August 27, 2003 stating in the Office Action Summary that the action was a final Office Action. Applicant responded to the August 27, 2003 Office Action on January 26, 2004. On February 5, 2004, applicant's representative contacted Examiner Nguyen to discuss the application. During this conversation, Examiner Nguyen indicated that the last Office Action was, in fact, a non-final Office Action and that the Office Action Summary of the August 27, 2003 Office Action improperly stated that it was final.

Examiner Nguyen agreed to provide an Interview Summary confirming that the August 27, 2003 Office Action was a non-final Office Action and to mail it to the address of record prior to the six-month deadline, February 27, 2004. Having not received written confirmation that the Office Action was non-final, and in an abundance of caution, applicant filed a Notice of Appeal on February 27, 2004 to prevent the application from becoming abandoned.

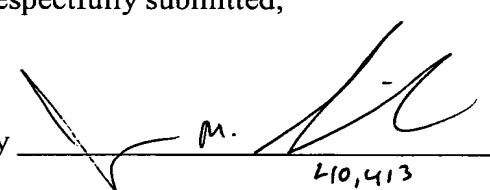
On April 28, 2004, Examiner Nguyen faxed applicant's representative a copy of the Interview Summary. As such, applicant respectfully requests that the Examiner consider applicant's response submitted on January 26, 2004 as the response to the non-final Office Action, dated August 27, 2003.

In addition, applicant wishes to withdraw the Notice of Appeal for this application, submitted on February 27, 2004. Applicant looks forward to receiving the Examiner's response to their January 26, 2004 submission.

Respectfully submitted,

Date 5 May 2004

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